

Sec. 45. CREDITS FROM ROAD USE TAX FUND TO PUBLIC TRANSIT ASSISTANCE FUND — EFFECTIVE DATES.

1. Section 28 of this Act, which amends section 312.2, subsection 15, is effective only if the state sales, services, and use taxes are increased from four to five percent* and applies to the revenues derived from the five percent sales, services, and use tax rate collected on or after June 1, 1992.

2. 1992 Iowa Acts, Senate File 2345,** section 25, which amends section 312.2, subsection 15, is effective only if the state sales, services, and use taxes remain at four percent.

Approved May 19, 1992

CHAPTER 1213

SOLID WASTE REDUCTION — CALCULATION OF GOALS

H.F. 547

AN ACT relating to the inclusion of certain types of refuse-derived fuel in the calculation of the waste reduction goal requirement of a city or county.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.306, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. A city or county required to file with the director a comprehensive plan detailing the method by which the city or county will comply with the requirements of section 455B.302 to establish and implement a comprehensive solid waste reduction program for its residents and which seeks approval of the inclusion of refuse-derived fuel as a component of its percentage of waste reduction, shall file an annual report with the director regarding the percentage of reduction attributable to refuse-derived fuel and the justification for such inclusion. The director shall approve or reject the inclusion. The percentage of reduction attributable to refuse-derived fuel and allowable for inclusion shall not exceed fifty percent and only those products established as allowable pursuant to section 455D.20 shall be included in the calculation of the waste reduction goal.

Sec. 2. Section 455D.3, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 455D.1, subsection 6, facilities which employ combustion of solid waste with energy recovery and refuse-derived fuel, which are included in an approved comprehensive plan, and which were in operation prior to July 1, 1989, may include these processes in the definition of recycling for the purpose of meeting the state goal if at least thirty-five percent of the waste reduction goal, required to be met by July 1, 2000, pursuant to section 455D.3, is met through volume reduction at the source and recycling and reuse, as established pursuant to section 455B.301A, subsection 1, paragraphs “a” and “b”.

Sec. 3. **NEW SECTION.** 455D.20 REFUSE-DERIVED FUEL — CALCULATION AS PORTION OF WASTE REDUCTION GOAL.

1. The commission shall adopt rules which provide for the inclusion of reduction attributable to refuse-derived fuel in the calculation of a city or county in meeting the waste reduction goal of the state. No more than fifty percent of the waste reduction requirement of a city or county shall be met through inclusion of reduction attributable to refuse-derived fuel in the calculation.

*See 2nd Ex. chapter 1001, division II herein

**Chapter 1238 herein

2. The rules adopted by the commission under subsection 1 shall provide that only fuel derived from paper and paperboard products which are not recyclable due to contamination, including contamination from blood or egg, which occurred at the time of the use of the product for its originally intended purpose, or products which are not recyclable due to composition of the product, such as wax-coated cardboard, are included in the calculation.

Approved May 19, 1992

CHAPTER 1214

WASTE REDUCTION ASSISTANCE PROGRAMS — CONFIDENTIALITY

H.F. 681

AN ACT relating to the confidentiality of certain information relating to waste reduction.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 455B.484A CONFIDENTIALITY FOR ASSISTANCE PROGRAMS.

1. As used in this section:

a. "Applicant" means a person, acting in good faith, who seeks the services of an assistance program.

b. "Assistance information" means all information voluntarily supplied to or obtained by an assistance program for the sole purpose of providing assistance to an applicant and which constitutes information not otherwise available to an assistance program.

c. "Assistance program" means the waste reduction assistance program of the department or of the Iowa waste reduction center for safe and economic management of solid waste and hazardous substances conducted pursuant to section 268.4.

2. Assistance information in the possession of an assistance program or an employee or agent of an assistance program is privileged and confidential, is not subject to discovery, subpoena, or other means of legal compulsion and is not admissible evidence in an administrative or judicial proceeding. However, assistance information discoverable from sources other than an assistance program or prohibited from being made confidential pursuant to federal or state law does not become privileged or confidential merely because it has been made available to or is in the custody of an assistance program or an employee or agent of an assistance program.

3. Assistance information shall not be used by an employee or agent of the state in determining whether to initiate an enforcement action or investigation by the state.

Approved May 19, 1992